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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ADRAN MORGA MARICHE a/k/a
NICHOLAS VLISIDES

Plaintiff,

vs.

PHOENIX OIL, LLC; WILLIAM J.
DONOVAN, III; KRISTEN B.
DONOVAN; JAMES J. GAFFNEY,

Defendants.

No.

COMPLAINT
(Non-Payment of Overtime and Non-
Payment of Wages)

GENERAL ALLEGATIONS

1. Jurisdiction is based upon the Fair Labor Standards Act, 29 U.S.C. §216.
2. Plaintiff is a resident of Maricopa County, Arizona.
3. Defendant Phoenix Oil, LLC is a limited liability company doing business in Maricopa County, Arizona.
4. The individually named Defendants reside in Maricopa County, Arizona and caused events to occur in Maricopa County, Arizona out of which this cause of action arose.

1 5. The individual Defendants are personally liable as "employers" within the
2 meaning of 29 U.S.C. §203.

3 6. The events giving rise to these causes of action occurred within
4 approximately the last three years and in Maricopa County, Arizona.

5 7. Venue is proper in the United States District Court in Phoenix, Arizona.

6
7 **FIRST CLAIM FOR RELIEF**

8 1. Plaintiff incorporates by reference herein the preceding allegations.

9 2. Plaintiff worked for Defendant within the last three years.

10 3. Within the last three years, Plaintiff has not been paid at the statutorily
11 required rate of 1-1/2 times his normal rate of pay for all hours worked in excess of 40
12 hours in one week.

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14 4. Plaintiff is entitled to double the amount due under the Fair Labor
15 Standards Act, 29 U.S.C. §216(b) because Defendants' conduct was willful.

16 5. Plaintiff is entitled to reasonable attorneys' fees and costs pursuant to the
17 Fair Labor Standards Act, 29 U.S.C. §216(b), and A.R.S. §12-341.01.

18 6. Plaintiff is also entitled to three times the amount of the unpaid wages
19 pursuant to A.R.S. §23-355 (for one year prior to the filing of this Complaint).

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21 **SECOND CLAIM FOR RELIEF**

22 1. All preceding allegations of the Complaint are incorporated by reference
23 herein.

24 2. During Plaintiff's employment, he was not paid for certain hours worked.

25 3. Plaintiff was supposed to be paid for all of his hours worked, but
26 Defendants have failed and refused to pay Plaintiff all wages due him.

1 ORIGINAL of the foregoing filed
2 this 14th day of March, 2013,
3 with:

4 Clerk of the Court
5 United States District Court

6 /s/ Debbie A. Wallen

7 _____
8 Debbie A. Wallen
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